

CARELLA, BYRNE, CECCHI, OLSTEIN, BRODY & AGNELLO, P.C.

COUNSELLORS AT LAW

CHARLES C. CARELLA
BRENDAN T. BYRNE
PETER G. STEWART
ELLIOT M. OLSTEIN
ARTHUR T. VANDERBILT, II
JAN ALAN BRODY
JOHN M. AGNELLO
CHARLES M. CARELLA
JAMES E. CECCHI

JAMES E. CECCHI (1933-1996)
JOHN G. GILFILLAN III (1936-2008)

JAMES T. BYERS
DONALD F. MICELI
A. RICHARD ROSS
KENNETH L. WINTERS
JEFFREY A. COOPER
CARL R. WOODWARD, III
MELISSA E. FLAX
DENNIS F. GLEASON
DAVID G. GILFILLAN
G. GLENNON TROUBLEFIELD
BRIAN H. FENLON
KHOREN BANDAZIAN
LINDSEY H. TAYLOR

**5 BECKER FARM ROAD
ROSELAND, N.J. 07068-1739
PHONE (973) 994-1700
FAX (973) 994-1744
www.carellabyrne.com**

RICHARD K. MATANLE, II
FRANCIS C. HAND
AVRAM S. EULE
RAYMOND W. FISHER
WALTER G. LUGER
OF COUNSEL

RAYMOND J. LILLIE
WILLIAM SQUIRE
ALAN J. GRANT*
MARC D. MICELI
RAYMOND E. STAUFFER*
STEPHEN R. DANEK
ERIC MAGNELLI
DONALD ECKLUND
VINCENZO M. MOGAVERO
AUDRA E. PETROLLE
*MEMBER N.Y. BAR ONLY

October 25, 2010

VIA E-FILEING AND EMAIL

Hon. Robert E. Gerber, U.S.D.J.
U.S. Bankruptcy Court
Alexander Hamilton Custom House
One Bowling Green
New York City, New York 10004-1408
Attention: Adi Habbu

**Re: In re Motors Liquidation Company, et al.
Chapter 11
Case No. 09-50026 (REG)**

Leson Chevrolet Company, Inc.'s Letter Advising Court of Recent Developments in connection with Leson Chevrolet Company, Inc.'s Opposition (PACER Item Nos. 7430 and 7435) to Motion of General Motors LLC to Enforce 363 Sale Order and Approved Deferred Termination Agreements Against, inter alia, Leson Chevrolet Company, Inc. (PACER Item No. 7269).

Submitted With Permission From Chambers

Dear Judge Gerber:

On behalf of Leson Chevrolet Company, Inc. ("Leson"), we write to advise the Court of developments that have occurred since the filing of our Opposition in this matter on October 19, 2010.¹ Additionally, we provide the Court with copies of recent Orders issued by the U.S. District Court for the Eastern District of Louisiana and the Louisiana Motor Vehicle Commission ("LMVC"), respectively.

As you know, Leson filed a Complaint against General Motors, LLC ("GM") with the Louisiana Motor Vehicle Commission ("LMVC") on September 13, 2010.² On September 27, 2010, GM sought to remove that matter to the U.S. District Court for the Eastern District of

¹ See Leson's Memorandum of Law in Opposition to Motion of General Motors LLC to Enforce 363 Sale Order and Approved Deferred Termination Agreements Against Rose Chevrolet, Inc., Halleen Chevrolet, Inc., Andy Chevrolet Company, and Leson Chevrolet Company (Record No. 7430, with exhibits continued at Record No. 7435).

² See Record No. 7435 at Exhibit "I."

Hon. Robert E. Gerber, U.S.D.J.
October 25, 2010
Page 2

Louisiana.³ On October 18, 2010, the U.S. District Court for the Eastern District of Louisiana remanded the matter to the LMVC.⁴ Although the District Court held that it did not have jurisdiction over Leson's claim,⁵ it originally stayed the issuance of its remand as GM requested to file a motion for reconsideration.⁶

On October 20, 2010, after counsel for both GM and Leson presented oral argument over the telephone regarding the merits of the stay, the U.S. District Court for the Eastern District of Louisiana lifted its stay and definitively remanded Leson's claim to the LMVC. Attached as Exhibit "1" is a copy of the Court's Minute Entry dated October 20, 2010.

In light of the remand, the LMVC is exercising its jurisdiction over Leson's reinstated dealership and has set a preliminary hearing. Leson submits that the LMVC's exercise of jurisdiction is in accord with this Court's 363 Sale Order requiring that, "Any disputes that may arise under the Participation Agreements shall be adjudicated on a case by case basis in an appropriate forum other than this Court."⁷ That is, Leson is akin to a Participating Dealer rather than a "Deferred Termination" Dealer. This Court went on to hold that, "[n]othing contained in the preceding two paragraphs shall impact the authority of any state or of the federal government to regulate Purchaser subsequent to the Closing."⁸ Accordingly, the LMVC has set a pre-hearing conference in the Leson/GM matter for October 28, 2010 at 11:00am CDT. A copy of the LMVC's Notice of Hearing is attached as Exhibit "2."

Should you or your staff have any questions, please do not hesitate to call.

Respectfully submitted,

CARELLA, BYRNE, CECCHI, OLSTEIN,
BRODY & AGNELLO, P.C.


JEFFREY A. COOPER

MDM:jes
Enclosure

Cc: Via ECF Service List
Arthur Steinberg, Esq. (w/encl via email)
Mark R. Beebe, Esq.
Marc D. Miceli, Esq.

#405524 v1

³ See Record No. 7435 at Exhibit "K."

⁴ See Record No. 7435 at Exhibit "N."

⁵ *Id.*

⁶ See Record No. 7435 at Exhibit "T."

⁷ See Record No. 2968 at ¶ 32.

⁸ See Record No. 2968 at ¶ 33. See also Record No. 2968 at ¶ 71.

EXHIBIT 1

EXHIBIT 1

MINUTE ENTRY
FALLON, J.
OCTOBER 20, 2010

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

LESON CHEVROLET CO., INC.	*	CIVIL ACTION
	*	
VERSUS	*	NO. 10-3290
	*	
GENERAL MOTORS, LLC	*	SECTION "L"(4)

A telephone status conference was held on this date in the Chambers of Judge Eldon E. Fallon. Edwin Stoutz, Jr., Johnny Domiano, and Mark Bebee participated on behalf of the Plaintiff. Thomas Casey and David Radlauer participated on behalf of the Defendant. Plaintiff requested the conference to discuss the Court's Order of October 19, 2010 (R. 11), which stayed its previous Order & Reasons remanding the case to the Louisiana Motor Vehicle Commission (R. 10). The Court heard from the parties and based thereon, determined that it is appropriate to lift the stay on the remand. Accordingly, IT IS ORDERED that the stay on the remand is LIFTED, and the case is to be remanded to the Louisiana Motor Vehicle Commission. The Court acknowledges that lifting the stay on the remand will foreclose Defendant from filing its motion for reconsideration, but nonetheless finds remand at this time to be proper.



EXHIBIT 2

EXHIBIT 2



State of Louisiana
LOUISIANA MOTOR VEHICLE COMMISSION

Bobby Jindal
Governor

Leslie A. House
Executive Director

October 22, 2010

VIA E-MAIL: winnstoutz@aol.com
and U.S. MAIL

Mr. Edwin A. Stoutz, Jr.
Stoutz & Stoutz
3606 Canal Street
New Orleans, Louisiana 70115

RE: HEARING #2010-040, Leson Chevrolet Company, Inc. vs General Motors, LLC

Dear Mr. Stoutz:

This will acknowledge receipt of your correspondence dated October 22, 2010, wherein you request a pre-hearing in the above-referenced matter.

In that regard, please be advised a pre-hearing conference is set for Thursday, October 28, 2010, at 11:00 a.m., in the offices of the Commission.

Yours very truly,

LOUISIANA MOTOR VEHICLE COMMISSION

A handwritten signature in cursive script, appearing to read "L. A. House".

L. A. House
Executive Director

LAH/me

cc: Gregory F. Reggie, Commission Counsel
Thomas A. Casey, Jr., Esq., **Via E-mail and U.S. Mail**



State of Louisiana
LOUISIANA MOTOR VEHICLE COMMISSION

Bobby Jindal
Governor

Leslie A. House
Executive Director

October 22, 2010

VIA E-Mail: tcaseyjr@joneswalker.com
and U.S. Mail

Mr. Thomas A Casey, Jr.
Jones, Walker, Waechter, Poitevent, Carrere & Denegre, L.L.P.
201 St. Charles Avenue
New Orleans, Louisiana 70170-5100

RE: HEARING #2010-040, Leson Chevrolet Company, Inc. vs General Motors, LLC

Dear Mr. Casey:

The Louisiana Motor Vehicle Commission received correspondence from Edwin A. Stoutz, Jr., counsel for Leson Chevrolet Company, Inc., dated October 22, 2010, requesting a pre-hearing in the above-referenced matter.

In that regard, please be advised a pre-hearing conference is set for Thursday, October 28, 2010, at 11:00 a.m., in the offices of the Commission.

Yours very truly,

LOUISIANA MOTOR VEHICLE COMMISSION

L. A. House
Executive Director

LAH/me

cc: Gregory F. Reggie, Commission Counsel
Edwin A. Stoutz, Jr., Esq., **VIA E-Mail and U.S. Mail**